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To: Microsoft ATR
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Subject: Microsoft Settlement

The Proposed Final Judgment does not adequately protect the computer industry from predatory practices by Microsoft.

The nature of a monopoly in a core computer software component such as an operating system provides immense leverage for distributing application level software. As a software professional with over 20 years experience in the field, I have consistently seen Microsoft deliver software applications which are tied to the underlying operating system in a way not available to outside applications, and I have consistently seen Microsoft modify it's operating system to render competing applications inoperable. In my opinion, when Microsoft extols the virtues of "innovation", they mean "Microsoft innovation"; innovative products from other companies are met with coordinated technical/marketing campaigns design to crush them. Specific examples are available upon request, although I suspect you have all the evidence you'll ever need already.

The provision of the PFJ to publish Windows APIs is flawed for a number of reasons. Primarily, it does not fully define all of the APIs which will be relevant in the future. Rather, it specifically defines a narrow set of current Microsoft applications whose APIs must be published. This set is a) not complete, and b) does not address any future Microsoft products. In addition, since timing is a crucial element of a software product's success, the publication of APIs used by products that are already shipping is of minimal value. The real value of published APIs is in revealing the operating system functionality used by the Microsoft products which are currently planned or in development.

The core problem, as I see it, is that Microsoft is a "fox guarding the henhouse". Microsoft has shown neither the inclination or the integrity to segregate their application development from their operating system development. Unless the company is divided into 2 or more independent entities, I am afraid that Microsoft will continue to increasingly dominate the field by leveraging their operating system monopoly.

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